

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KATARINA RENEE KERR DAVIS and
DARREL WAYNE KERR
Plaintiffs,

VS

SYDNEY MURPHY and NORMA SUE
GASTON COWARD
Defendants.

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CIVIL NO. 9:24-CV-15-MJT-CLS

**MEMORANDUM ORDER ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE [Dkt. 26]**

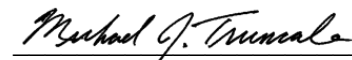
Pursuant to 28 U.S.C. § 636 and the Local Rules of Court for the Assignment of Duties to United States Magistrate Judges, the District Court referred this proceeding to the Honorable Christine L. Stetson to conduct all pretrial proceedings, to enter findings of fact and recommend disposition on case-dispositive matters, and to determine non-dispositive matters. *See* 28 U.S.C. § 636(b)(1); E.D. TEX. LOC. R. CV-72.

Plaintiffs, proceeding *pro se* and *in forma pauperis*, filed suit on January 19, 2024, alleging Defendants violated their constitutional rights under the Takings Clause, along with state law claims [Dkt. 1]. On April 15, 2024, Judge Stetson entered a Report and Recommendation [Dkt. 26] advising the Court to *sua sponte* dismiss Plaintiffs' claims without prejudice for lack of subject matter jurisdiction. Judge Stetson found that Plaintiffs had no ripe takings claim and there was, accordingly, no basis for this Court's subject matter jurisdiction. No party objected to Judge Stetson's Report and Recommendation and the time to do so has passed. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 26] is ADOPTED. Plaintiffs' claims are DISMISSED without prejudice for lack of subject matter jurisdiction. A final judgment will be entered by the Court.

IT IS SO ORDERED.

SIGNED this 14th day of May, 2024.



Michael J. Truncala
United States District Judge